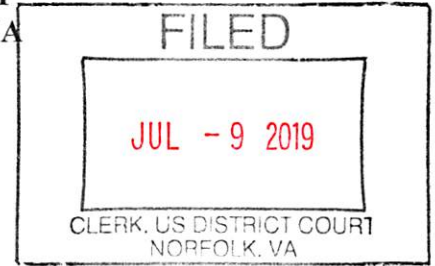


IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
NORFOLK DIVISION



S.T.,
by his next friend SHONTE L. TAYLOR,

Plaintiff,

v.

CIVIL NO. 2:18-cv-513

NANCY A. BERRYHILL,
*Acting Commissioner,
Social Security Administration,*

Defendant.

FINAL ORDER

Shonte L. Taylor ("Plaintiff"), proceeding *pro se*, brought this action on behalf of her minor son, S.T., pursuant to 42 U.S.C. §§ 405(g), 1383(c)(3), seeking judicial review of the decision of the Acting Commissioner of the Social Security Administration ("Commissioner") denying Plaintiff's application for supplemental security income ("SSI"). ECF No. 3.

The matter was referred to a United States Magistrate Judge for a report and recommendation pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and (C) and Rule 72(b) of the Federal Rules of Civil Procedure as well as Rule 72 of the Local Rules of this Court. ECF No. 10. On January 11, 2019, Plaintiff filed a motion for summary judgment. ECF No. 13. On February 11, 2019, the Commissioner filed a motion to remand the matter pursuant to sentence four of 42 U.S.C. § 405(g) so that the Administrative Law Judge ("ALJ") can obtain and consider additional medical expert evidence and issue a new decision. ECF No. 14.

On June 14, 2019, the Magistrate Judge filed a Report and Recommendation with respect to the pending motions. ECF No. 16. Such Report and Recommendation finds that a sentence-

four remand is warranted based on the Commissioner's motion for same, and therefore recommends that: (1) Plaintiff's motion for summary judgment, ECF No. 13, be GRANTED, to the extent the Plaintiff is requesting a remand of the Commissioner's final decision, and DENIED to the extent the Plaintiff is requesting an award of benefits; (2) the Commissioner's motion to remand, ECF No. 14, be GRANTED; and (3) the final decision of the Commissioner be REVERSED and REMANDED for further proceedings consistent with this report and recommendation. ECF No. 16 at 4.

By copy of such report, each party was advised of the right to file written objections to the findings and recommendations made by the Magistrate Judge. Id. at 4-5. "[I]n the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must 'only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.'" Diamond v. Colonial Life & Acc. Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005) (citation omitted). To date, neither party has filed objections to the Magistrate Judge's Report and Recommendation, and the time for filing same has expired.

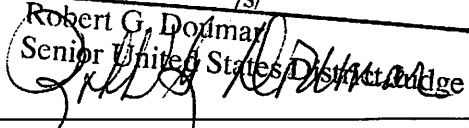
Accordingly, after reviewing the record and finding no clear error, the Court hereby **ADOPTS** the Magistrate Judge's Report and Recommendation, ECF No. 16, and **ORDERS** as follows:

1. The Commissioner's Motion to Remand is **GRANTED**. ECF No. 14.
2. Plaintiff's Motion for Summary Judgment is **GRANTED** to the extent Plaintiff requests a remand of the Commissioner's final decision and **DENIED** to the extent Plaintiff requests an award of benefits. ECF No. 13.
3. The final decision of the Commissioner is **REVERSED**, and this case is **REMANDED** to the ALJ for further proceedings to obtain medical expert evidence to assess the

nature and severity of S.T.'s functional limitations prior to the established onset date of January 1, 2017, and to issue a new decision accordingly.

The Clerk is **DIRECTED** to forward a copy of this Final Order to Plaintiff and all Counsel of Record.

IT IS SO ORDERED.

/s/
Robert G. Dodman
Senior United States District Judge

UNITED STATES DISTRICT JUDGE

Norfolk, VA
July 9, 2019